

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 27, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, February 27, 2007.

Mayor Warmington opened the meeting with a prayer from Pastor Dr. Nana Kratochvil from the Harbor Unitarian Universalist Congregation after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioner Sue Wierengo, Chris Carter, Kevin Davis, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2007-18 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the February 12th Commission Worksession, and the February 13th Regular Commission meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Fireworks Display – Shrine Circus. CITY CLERK

SUMMARY OF REQUEST: Jordan Productions, Inc., is requesting approval of a fireworks display permit for March 3rd and 4th at the Walker Arena. Fire Marshall Metcalf will inspect the fireworks on the day of the event. The insurance coverage has been approved.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

D. Amendment to the Zoning Ordinance – Residential Design Criteria.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2319 (Residential Design Criteria, #22) of Article XXIII (General Provisions) regarding vegetative ground cover.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the language regarding vegetative ground cover.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at the February 15th meeting. The vote was unanimous with T. Michalski and B. Smith absent.

E. Amendment to Property Descriptions – Whitaker Electric Sub-zone.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: In 2002 the Whitaker Electric Renaissance Zone was expanded to include what is now Seaway Industrial Park. At that time, a list of property descriptions and a map were submitted to the State of Michigan with the application for approval of the expansion. It was recently discovered that the property descriptions submitted do not match the map of intended properties to be included in the zone. The State has informed us we may amend these property descriptions and resubmit them, since these properties were intended to be included within the renaissance zone.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk to sign said resolution.

G. Environmental Program Terrace Trash Clean-up Contract.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The special trash pick-up on city terraces and right-of-ways associated with our Environmental Inspections program is currently being performed by Diversified UG Utilities Inc. and will expire on March 31, 2007. Included in this contract was an option to extend the agreement for one year, expiring on March 29, 2008. The contractor has requested to exercise the one year extension option at the current rates.

FINANCIAL IMPACT: Considering the various increases in costs it is highly likely that a new contract bidding would result in higher pricing to the city.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the one year contract extension with

Diversified UG Utilities Inc. for the special trash pick-ups along city right of ways, as directed by environmental inspections staff.

H. Set Public Hearing for Amendment to Brownfield Plan - Hot Rod Harley.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by Muskegon Downtown Believers, LLC, located at 149 Shoreline Drive, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into a commercial development will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on February 23, 2007 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for March 27, 2007.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the Consent Agenda as presented minus item C and F.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

2007-19 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Amendment to the Zoning Ordinance – Outdoor Seating. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2308 (Outdoor Seating) of Article XXIII (General Provisions) regarding outdoor seating for restaurants and similar uses.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning

Ordinance to add the language regarding outdoor seating.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their February 15th meeting. The vote was unanimous with T. Michalski and B. Smith absent.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the amendment of the Zoning Ordinance regarding outdoor seating.

ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

F. Environmental Program Mowing and Trash Clean-up Contract.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The contract for mowing of lots and trash clean up of public and private properties is currently held by Freelance Enterprises Inc. and will expire on March 29, 2007. Included in this contract was an option to extend for one year, expiring on March 29, 2008. The contractor has indicated he wishes to exercise the one year extension.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the one year contract extension with Freelance Enterprises for the mowing of lots and trash removal on properties located within the City.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the environmental program mowing and trash clean-up contract.

ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

2007-20 PUBLIC HEARINGS:

A. Create a Special Assessment District for Knollwood Court, Beach Street to End. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the Knollwood Court, Beach Street to End paving project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

Furthermore, please keep in mind that the proposed special assessment district is

a benefit based special assessment since, according to the City's assessor; the benefit received is equal among all thirteen (13) properties abutting the street.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

Public comments were heard from Tom Andrews, Even & Franks, 900 Third, representing Linda Schultz, 2877 Beach. Mr. Andrews who also resides at 2877 Beach spoke against the special assessment for both of them.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the Public Hearing and create the special assessment district for Knollwood Court, Beach Street to the end.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: Davis

MOTION PASSES

Mayor Warmington appointed Commissioner Davis and himself to the Board of Assessors.

2007-21 NEW BUSINESS:

A. Request for Technical Assistance for Housing and Urban Development Lead Abatement Grant Submittal. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The State, through the Housing and Urban Development Department (HUD), has grant funds available to assist with lead abatement in houses. The grant amounts are up to \$3 million. The actual grant application is very extensive and requires technical assistance. The State has \$10,000 in technical assistance funds available if the City is willing to match that amount. It is necessary to submit a letter to the State requesting the technical assistance.

FINANCIAL IMPACT: The State will pay for \$10,000, to be matched by \$10,000 of local CDBG funds.

BUDGET ACTION REQUIRED: The CDBG budget will need to be amended to reflect this expenditure.

STAFF RECOMMENDATION: To approve the request for technical assistance funds from the State and authorize the Mayor to sign the letter.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the request for technical assistance for Housing and Urban Development lead abatement grant submittal.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis

Nays: None

MOTION PASSES

B. Acceptance of the 2007 – 2008 Community Development Block Grant/HOME Recommendation from City Administration and Citizen's District Council. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To accept the recommendation of both the Citizen's District Council and the Administration as it relates to the 2007-2008 Community Development Block Grant entitlement and HOME funding. The Commission is also being asked to schedule a Public Hearing for March 13, 2007 to gather comments from the public concerning the entitlement funding.

It is also requested that the Commission make their preliminary recommendations on March 13, 2007 and their final decision regarding the funding on March 27, 2007.

After the Commission has made its final decision, the Community and Neighborhood Services office will continue the Citizen's Participation process until around April 20, 2007. At this time the City will send the required documentation to the US Department of Housing and Urban Development in order to request the 2007-2008 funding, whose fiscal year begins June 1, 2007.

FINANCIAL IMPACT: The 2007-2008 allocations will be based on the Commissions final decisions.

BUDGET ACTION REQUIRED: There is no budget action required at this time.

STAFF RECOMMENDATION: To accept the recommendation and set the Public Hearing.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to accept the recommendation of the Citizen's District Council and administration for the 2007-2008 CDBG/HOME funding and set the Public Hearing for March 13, 2007.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

C. Real Estate Services for Seaway Industrial Park. CITY MANAGER

SUMMARY OF REQUEST: To continue the listing of the unsold property in Seaway Industrial Park with C&A Commercial through June 28, 2007 or until the City enters into an agreement with a developer for the property, whichever comes first.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the listing extension and authorize the City Manager to execute the agreement.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the real estate services for Seaway Industrial Park listing extension with C & A Commercial.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and Shepherd

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Chief Tony Kleibecker, accepted on behalf of Mohammad Al-Shatel, an Award of Excellence from the Michigan Concrete Paving Association for the new round about in downtown Muskegon from Mayor Warmington.

ADJOURNMENT: The City Commission Meeting adjourned at 6:15 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk